

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2009 DEC 30 AM 10:12
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHIRLEY L. PHELPS-ROPER,

Plaintiff,

vs.

DAVE HEINEMAN, In His Capacity as
Governor of the State of Nebraska; et al,

Defendants.

Case No. 4:09 CV 3268

MOTION FOR PRELIMINARY INJUNCTION

Plaintiff moves the Court for preliminary injunctive relief herein as follows:

- a. A preliminary injunction against the enforcement of the Nebraska funeral picketing law, Nev. Rev. Stat. §§28-1320.01, 28-1320.02 and 28-1320.03.
- b. A preliminary injunction against the application of the Nebraska funeral picketing law to picketing by plaintiff and WBC members, Nev. Rev. Stat. §§28-1320.01, 28-1320.02 and 28-1320.03.

- c. A preliminary injunction against the enforcement of the Nebraska flag mutilation statute, Neb. Rev. Stat. §28-928.
- d. A preliminary injunction against the application of the Nebraska flag mutilation statute, Neb. Rev. Stat. §28-928, to use of the United States and Nebraska flags for expressive activities during and related to picketing by plaintiff, her children, and WBC members.
- e. A preliminary injunction against the prosecution of plaintiff in *State of Nebraska v. Phelps-Roper*, Case Nos. CR-07-5060 and CR-07-5061.
- f. A preliminary injunction against the application of the Nebraska statutes on disturbing the peace (Neb. Rev. Stat. §28-1322), contributing to the delinquency of a minor (Neb. Rev. Stat. §28-709) and negligent child abuse (Neb. Rev. Stat. §28-707), to the picketing and use of the flag as expressive activities by plaintiff, her children, and WBC members.
- g. A preliminary injunction against the enforcement of the Bellevue permit ordinances, Article V, Division 1, §§28-111, 28-112, 28-125, 28-126, 28-127, 28-128, 28-129, 28-130, 28-131, 28-132 and 28-133, of the City Ordinances of Bellevue, Nebraska (§§28-113—28-124 are Reserved).
- h. A preliminary injunction against the application of the Bellevue permit ordinances enumerated at paragraph g above to the picketing and use of the American and Nebraska flags in expressive activities by plaintiff, her children and other WBC members.

Pursuant to Rule 7.0.2 of the Nebraska Civil Rules of the United States District Court for the District of Nebraska, plaintiff submits herewith:

- 1) Brief in Support of Motion for Preliminary Injunction
- 2) Evidence and Evidence Index, submitted separately with an index listing each item of evidence, with supporting affidavits.

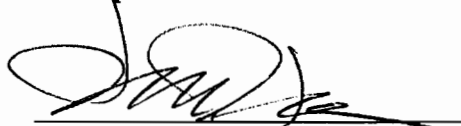
Respectfully submitted,



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Certificate of Service

I hereby certify that a copy of the foregoing Motion for Preliminary Injunction will be served on each of the defendants herein, along with the Complaint and Summons, as part of the process served.



Margie J. Phelps